SENATE BILL No. 940

October 21, 2009, Introduced by Senator McMANUS and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending sections 33 and 735 (MCL 168.33 and 168.735), section

33 as amended by 2002 PA 91 and section 735 as amended by 2004 PA

92, and by adding section 735a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (1) The director of elections shall conduct training

2 schools throughout this state ~~preceding~~ **BEFORE** the general November

3 election, and ~~preceding such~~ **BEFORE** other elections as the director

4 considers advisable, for county clerks and their representatives

5 with respect to the conducting of elections in accordance with the

6 election laws. Included in this training shall be instruction on

7 the uniform voting system. ~~In case any~~ **IF A** county clerk ~~shall fail~~

8 **FAILS** to conduct in his or her county a training school for

1 election boards within the county, the director of elections shall

2 conduct ~~such~~ **THE** training school, the cost of the training school

3 to be charged as an obligation of the county.

4   (2) The director of elections shall train all county, city,

5 and township clerks who are involved in the training of precinct

6 inspectors. The training shall include team training and monitoring

7 of their performance as trainers. **THE TRAINING SHALL ALSO INCLUDE**

8 **THE USE OF AN ELECTRONIC POLL BOOK.**

9   (3) The director of elections shall conduct all precinct

10 inspector training in counties where the clerk has not been

11 accredited to conduct the training schools.

12   Sec. 735. (1) ~~At~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 735A,**

13 **AT** each primary and election, election inspectors shall keep 1 poll

14 book and 1 poll list. An election inspector shall enter in the poll

15 book, in the order in which electors are given ballots, the name of

16 each elector who is given a ballot and immediately after the name,

17 on the same line, shall enter the number of the ballot given to the

18 elector. For an absent voter ballot, when an election inspector

19 removes the ballot from the sealed absent voter envelope, the

20 election inspector shall enter in the poll book the name of the

21 absent voter and the number of the ballot.

22   (2) If an elector is issued a provisional ballot, an election

23 inspector shall enter a proper designation in the poll book,

24 including whether the provisional ballot was tabulated in the

25 precinct or was secured for verification after the election.

26   (3) At the completion of the precinct canvass, an election

27 inspector shall record on the certificate provided in the poll book

1 the number of each metal seal used to seal voting equipment and

2 ballot containers. Each member of the board of election inspectors

3 shall sign the certificate.

4 SEC. 735A. (1) THE SECRETARY OF STATE SHALL DO BOTH OF THE

5 FOLLOWING:

6 (A) DEVELOP AN ELECTRONIC POLL BOOK TO BE USED AT PRIMARIES

7 AND ELECTIONS IN THIS STATE.

8 (B) ESTABLISH THE NECESSARY CRITERIA THAT WILL ENABLE A LOCAL

9 UNIT OF GOVERNMENT TO USE AN ELECTRONIC POLL BOOK AT A PRIMARY OR

10 AN ELECTION.

11 (2) THE SECRETARY OF STATE MAY ESTABLISH A PILOT PROJECT TO

12 TEST THE USE OF AN ELECTRONIC POLL BOOK AT PRIMARIES AND ELECTIONS

13 IN THIS STATE. THE SECRETARY OF STATE SHALL SELECT THE LOCAL UNITS

14 OF GOVERNMENT IN WHICH TO TEST AN ELECTRONIC POLL BOOK UNDER THIS

15 SECTION.

16 (3) A LOCAL UNIT OF GOVERNMENT SHALL NOT USE AN ELECTRONIC

17 POLL BOOK AT A PRIMARY OR ELECTION UNLESS THE LOCAL UNIT OF

18 GOVERNMENT IS SELECTED AS A PILOT JURISDICTION BY THE SECRETARY OF

19 STATE UNDER SUBSECTION (2) OR UNLESS PRIOR WRITTEN APPROVAL IS

20 GRANTED BY THE SECRETARY OF STATE.

21 (4) AN ELECTRONIC POLL BOOK DEVELOPED PURSUANT TO THIS SECTION

22 SHALL BE ABLE TO DO ALL OF THE FOLLOWING:

23 (A) ACCESS THE QUALIFIED VOTER FILE TO CAPTURE VOTER HISTORY.

24 (B) ALLOW FOR EXPRESS VOTER CHECK-IN AS PROVIDED IN SUBSECTION

25 (6).

26 (5) AN ELECTRONIC POLL BOOK SHALL BE USED IN ACCORDANCE WITH

27 THE PROVISIONS OF THIS ACT.

1   (6) IF AN ELECTRONIC POLL BOOK IS USED AT A PRIMARY OR

2 ELECTION, THE LOCAL UNIT OF GOVERNMENT MAY PROVIDE AN EXPRESS VOTER

3 CHECK-IN FOR REGISTERED ELECTORS WHO HAVE AN OPERATOR'S OR

4 CHAUFFEUR'S LICENSE ISSUED PURSUANT TO THE MICHIGAN VEHICLE CODE,

5 1949 PA 300, MCL 257.1 TO 257.923, OR AN OFFICIAL STATE

6 IDENTIFICATION CARD ISSUED PURSUANT TO 1972 PA 222, MCL 28.291 TO

7 28.300. THE REGISTERED ELECTOR CAN SWIPE HIS OR HER OPERATOR'S OR

8 CHAUFFEUR'S LICENSE OR STATE IDENTIFICATION CARD THROUGH A CARD

9 READER AND THE REGISTERED ELECTOR'S VOTER INFORMATION IS VERIFIED

10 AGAINST A VOTER REGISTRATION DATABASE. UPON VERIFICATION, THE

11 REGISTERED ELECTOR'S VOTER INFORMATION IS ENTERED INTO THE

12 ELECTRONIC POLL BOOK.

13   (7) THE SECRETARY OF STATE SHALL DEVELOP INSTRUCTIONS

14 CONSISTENT WITH THIS ACT FOR SECURING AN ELECTRONIC POLL BOOK.